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ABSTRACT

This House report recommends certain technical and clarifying amendments to the Library Services and Construction Act (LSCA), and to the Adult Education Act. It provides: (1) a general background of LSCA; (2) a projection of library needs; (3) the accomplishments of LSCA; (4) the "LSCA Allotments and State and Local Expenditures, 1967-70;" (5) the major provisions of the bill and (6) a section-by-section analysis of LSCA. (MF)

91ST CONGRESS
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HOUSE OF REPRESENTATIVES

REPORT
No. 91-1659

U.S. DEPARTMENT OF HEALTH, EDUCATION & WELFARE
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LIBRARY SERVICES AND CONSTRUCTION AMENDMENTS OF 1970

DECEMBER 3, 1970.—Ordered to be printed

Mr. PERKINS, from the Committee on Education and Labor, submitted the following

REPORT

[To accompany H.R. 19363]

The Committee on Education and Labor, to whom was referred the bill (H.R. 19363) to amend the Library Services and Construction Act, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

On page 25, immediately after line 22, insert the following:

AMENDMENTS TO THE ADULT EDUCATION ACT

SEC. 3. (a) Effective on and after July 1, 1969, section 305(a) of the Adult Education Act is amended—

(1) by striking out in the first sentence "any fiscal year" and inserting in lieu thereof "the fiscal year ending June 30, 1972, and for any succeeding fiscal year"; and

(2) by inserting at the end thereof the following new sentence: "From the sums available for purposes of section 304(b) for the fiscal year ending June 30, 1970, and the succeeding fiscal year, the Commissioner shall make allotments in accordance with section 305(a) of the Adult Education Act of 1966 as in effect on June 30, 1969."

(b) Section 312(b) of the Adult Education Act is amended by inserting at the end thereof the following new sentence: "For the fiscal year ending June 30, 1970, and the succeeding fiscal year, nothing in this subsection shall be construed to prohibit the use of any amounts appropriated pursuant to this Act to pay such costs, subject to such limitations as the Commissioner may prescribe."

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Background

Enactment by the 84th Congress of the Rural Library Services Act of 1956 (Public Law 84–597) provided the first Nation-wide Federal support for public library services. In 1960 the law was extended for 5 years (Public Law 86–679), and amendments to the original law enacted in 1964 (Public Law 88–269) extended eligibility to urban areas and authorized use of Federal funds for construction of public library facilities.

Two years later, the law was again extended (Public Law 89–511). This enactment also made State library administrative agencies responsible for planning future library development, especially through interlibrary cooperation, and for providing specialized library services in each State. In 1967 certain technical amendments were enacted (Public Law 90–154).

The Library Services and Construction Act will expire on June 30, 1971. H.R. 19363 proposes to extend the act for 5 years, simplify its administration, and strengthen its contributions to State and community library programs. H.R. 19363 embodies many of the recommendations of the Administration.

Library Needs

Between 1970 and 1980, our student population, the heaviest users of libraries, will increase by 50 percent. In the coming decade, too, our population will increasingly be better educated, and a rising level of education will create greater demands on libraries as sources for self-enlightenment, reference, cultural enrichment, and vocational competence.

In addition, the needs of libraries to maintain and improve their collections will tax resources at local, State, and Federal levels. Keith Doms, Director of the Free Library of Philadelphia, noted in testimony before the Committee:

> Americans were borrowing three million books daily from their public libraries in 1968. To meet the increasing needs of the 70's, public library collections must be increased substantially. For 1970, the estimated deficit is 357 million volumes, or slightly below 50 percent of recognized requirements (3.5 volumes per capita). While students use public libraries significantly, we are also talking here about millions of citizens engaged in purely self-educating endeavors.

Accomplishments of the Library Services and Construction Act

The record of the Library Services and Construction Act has been one of steady success since its inception. From Fiscal 1957 to Fiscal 1969, the Federal Government has committed $200 million to extending public library services to areas without adequate services. Some 45 millions books and other library materials have been purchased for this purpose from Federal funds matched by funds from local and State sources.

An estimated 85 million people have benefited in one way or another from library programs which have frequently used "outreach" serv-

ices to bring the advantages of libraries to ghetto residents, migrant workers, and residents of isolated areas.

One Committee witness, Mrs. Margaret S. Warden, Trustee of the Great Falls Public Library in Great Falls, Montana, noted that:

> Prior to 1956 and the passage of the Library Services Act, we [in Montana] had scattered municipal library service and a number of county libraries, but there were people who had no library at all. Almost 200,000 lived in counties where there were no libraries, or in rural areas not served by city libraries . . .
>
> The Library Services Act and its successor, Library Services and Construction Act, have stimulated the development of public library service in Montana, the growth of the State library in strength, and fostered a spirit of genuine cooperation between libraries to make resources available to more people.

Since 1965, the first year that construction funds were authorized under Title II, approximately $140 million in Federal funds for new library construction has been provided, which has been matched by $343 million in State and local funds. These funds have aided about 1,565 new, enlarged and remodeled library facilities within reach of over 50 million people, some for the first time.

Title III of the Act provides for interlibrary cooperation—the creation and operation of library networks for sharing resources among a variety of libraries within localities, regions, States, and among States. During the first 3 years of Title III, $4,563,000 has been obligated to States for the program, which has resulted in the creation of 45 interlibrary networks and centers serving 904 libraries. Thirty-five Title III-supported telecommunications systems now connect 800 libraries; and 14 technical centers, available to 300 libraries, have been established.

Title IV of the Act, authorizes two different programs. Part A authorizes library materials and services for patients, inmates, and residents of State-operated or substantially State-supported institutions. By the end of Fiscal 1969, $4,189,000 in funds obligated under Title IV–A had brought library services to an estimated 300,000 people in 500 State institutions. Of these, 400 were correctional institutions, 65 were State hospitals, and 20 were residential schools. One of the major by-products of Part A were several State surveys carried out to assess library services in State institutions. Many of the States discovered shocking inadequacies in library resources at their major institutions, and have been prompted to take action to rectify some of these deplorable conditions.

Title IV–B has aided States and localities in serving an estimated 2 million physically handicapped, many of them blind or partially blind, who cannot use ordinary library materials and who would benefit from special materials, equipment and services. An estimated 70,000 handicapped people have already benefited from Title IV–B funds, which have been invested in a variety of programs, including added staff for regional libraries for the handicapped, better identification of potential users, and added library resources such as braille materials, books and periodicals in large print, records, tapes, "talking book"

machines, and other specialized equipment such as book holders and page turners.

Local levels of government have traditionally been the main source of funds for public libraries. Library income from the States increased from 1.9 percent in 1940 to 8 percent in 1965. In the same year, a decade after enactment of the Rural Library Services Act, Federal support of State and local library service was estimated at 13 percent of the total.

Under Title I, State funds for library services have exceeded the Federal contribution by three to one; under Title II construction programs, State funds have exceeded Federal funds by a two-to-one margin, indicating the value of Federal seed money in encouraging other sources of support. The Committee regards the State contributions as an impressive record of support for one of the basic aims of the Act, a Federal-State partnership.

LSCA ALLOTMENTS AND STATE AND LOCAL EXPENDITURES, 1967–70

	1967		1968		1969		1970	
	Federal allotment	State and local expenditure	Federal allotment	State and local expenditure	Federal allotment	State and local expenditure	Federal allotment	State and local expenditure
Total	$76,000,000	$149,010,880	$68,000,000	$178,881,053	$49,894,000	$225,602,713	$43,266,250	[1] $176,837,977
Title I	35,000,000	96,904,311	35,000,000	109,400,526	35,000,000	138,275,015	29,750,000	150,689,673
Title II	40,000,000	52,106,569	27,185,000	66,137,397	9,185,000	78,034,272	7,807,250	16,987,576
Title III	375,000	[2 3]	2,375,000	[3] 631,168	2,281,000	3,028,097	2,281,000	2,334,312
Title IV–A	375,000	[2 3]	2,120,000	[3] 1,698,402	2,094,000	4,122,484	2,094,000	4,209,880
Title IV–B	250,000	[2 3]	1,320,000	[3] 948,560	1,334,000	2,142,845	1,334,000	2,616,536

[1] Preliminary report.
[2] Not required.
[3] Fiscal years 1967 and 1968, 100 percent Federal funding.

Useful and economical as the library services supported and expanded under this Act have been, much still remains to be done. Public library income this year is expected to be $450 million short of the level of $5 per capita recommended by the American Library Association. Enactment and full funding of H.R. 19363 can assure no more than half the construction of public library facilities known to be needed. For lack of funds, less than half the institutions either operated or substantially supported by States which are eligible for assistance under this Act actually receive it. Only half the physically handicapped persons who need library service and are eligible for indirect aid under this statute can be assisted at the current level of funding.

Major Provisions of the Bill

Simplified administration

Under the existing Act, State plans must be submitted for each of five categorical programs and separate accounts must be kept for each of the five allocations for these programs. In addition, three advisory councils must be appointed in each State. The Committee is concerned that these requirements place a heavy administrative burden on State library agencies.

One of the basic purposes of H.R. 19363 is to simplify and streamline the administration of library programs. To that end the bill provides that each State must annually submit for approval a single basic State plan. This basic State plan would apply to all titles of the Act, thereby eliminating any repetition or duplication. It would contain necessary assurances regarding the legal, administrative, and fiscal responsibilities of the State in administering library programs. It would also set forth the criteria to be used in approving applications and allocating funds, including these designed to ensure that priority would be given to projects in urban and rural low-income areas.

Because the Committee feels that long-range planning for library services promotes the most advantageous use of Federal library assistance, the bill requires that each State also submit a "long-range program." This planning document would explain how Library Services and Construction Act funds would be used over a 3 to 5 year period to carry out a long-range program of library services. It would be developed in consultation with the Office of Education. This program will not have to be approved but it will be submitted.

In addition, States are to submit an "annual program," for each title, each year. These will consist mainly of a description of projects to be funded each year. It is the Committee's intention that the basic State plan and annual and long-range programs may be submitted as a single document, if the Commissioner determines this would streamline the submissions.

With these provisions to simplify the applications and approval process, State personnel will be freed to devote more time and energy to administering the library program.

Evaluation

H.R. 19363 authorizes an appropriation of such sums as may be necessary for the evaluation of Library Services and Construction Act programs. Present law contains no specific provision for evaluating the impact of programs carried out under the Act. As a result, to date evaluation activities have been inadequate.

Evaluation on a national level has been hampered by the lack of funds available under the Act for use in evaluating library programs. State reports on the impact of programs have, on the whole, not been adequate for identifying and disseminating successful approaches.

The Committee feels strongly that adequate evaluation and dissemination—on the national as well as State and local level—are critical to the improvement and ultimate success of library programs authorized by the Library Services and Construction Act.

Those concerned with bettering library services at all levels—local, State, and Federal—need to know more about what approaches for improving services have been successful under what conditions. This kind of information has not been available under the operation of the existing Library Services and Construction Act.

The Committee has therefore added a specific authorization for evaluation funds. It intends that these funds be used by the Secretary solely for evaluating programs carried out under the Library Services and Construction Act. This does not mean that evaluation activities should be limited to those undertaken with fuuds appropriated under this special authorization. The Committee expects States and localities to strengthen their own efforts, using funds provided under the regular authority, to evaluate their efforts and improve them accordingly. It is the need for an overall evaluation effort, that has persuaded the Committee to add a separate funding authority for a continuing evaluation of library services.

Public library services—Title I

For grants to States for library services, the bill authorizes an appropriation of $112 million for fiscal year 1972; $117.6 million for fiscal year 1973; $123.5 million for fiscal year 1974; $129.7 million for fiscal year 1975; and $137.1 million for fiscal year 1976.

The minimum annual State allotment which must be matched (except by the Trust Territory of the Pacific Islands) would be raised by the bill to $200,000 for each State, Puerto Rico, and the District of Columbia and $40,000 each for Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands. Allotment of the remainder would be on the basis of population.

Title I funds are used for extending public library services to geographical areas and population groups without access to library services and for the purpose of improving public library services where these are inadequate.

Also Title I library services funds would now be available for establishing, continuing or expanding library services in institutions operated or substantially supported by States, such as residential schools, reformatories, hospitals, and training institutions. Previously this authority was contained in Title IV of the Act.

Services for the physically handicapped, formerly under Title IV–B of the Act, have also been consolidated into Title I. Keith Doms, in his testimony before the Committee noted:

> Additional materials are needed for the physically handicapped. National estimates are that there will be 2,250,000 of these persons by fiscal 1971. They need talking books, braille books, page turners, and other special materials for

> reading. With the fiscal 1971 budget recommendation, only 70,000 of these people can be served.

The Committee recognizes the importance of library resources to broaden the horizons of those who may be immobilized or suffering from physical disabilities. Accordingly, the Committee attaches great significance to this section of the bill.

Under H.R. 19363 explicit authority for library service programs for the disadvantaged is provided for the first time. The Committee believes that libraries can play a key role in determining whether the disadvantaged child or adult can acquire the motivation and knowledge to escape the often confining existence of the urban ghetto or of isolated rural areas and to improve his prospects for a secure future.

Alexander Allain, Trustee of the St. Mary's Parish County Library in Franklin, Louisiana, said in his testimony before the Committee:

> Placing priority on special programs to meet the needs of disadvantaged persons in both rural and urban areas is of particular importance in this complex age, when basic reading ability and access to current information is vital to job security. Equality of man presupposes the right to equal treatment, but is meaningless unless man has access to equal knowledge. Yet this access is too often determined by circumstances over which he has no control. This new priority authorized in the proposed legislation is an acknowledgement of these needs and hopefully the beginning of an attempt to fill them.

The Committee is in agreement with the thrust of Mr. Allain's remarks, and feels that the new authority in the bill accords recognition to the need for library services for the disadvantaged.

Indeed, the new bill requires that the basic state plans to be submitted annually specifically outline the criteria designed to assure that priority will be given to programs or projects which serve urban and rural areas with high concentrations of low income families.

In an article in the November 1, 1969 issue of *Library Journal*, Ervin J. Gaines, Director of the Minneapolis Public Library, noted:

> In 12 years in two city libraries, I have seen almost every budget year produce a budget fight to prevent disaster from overtaking the library. I think the experience is not uncommon. Only the most extraordinary efforts keep most urban libraries from going under. Libraries seldom thrive; they survive. Periods of calm and prosperity are rare for urban public libraries in the richest nation in the world.

The predominant reason for the fiscal crisis in the metropolitan library is the migration of affluent city dwellers to the suburbs, a movement which shrinks the tax base and affects the outlay for public services. At the same time, the suburbanite continues to use the library without contributing to its support.

Carlton Rochell, Director of the Public Library of Atlanta, told the Committee:

> The Atlanta City Library is an island in a sea of suburbia, maintaining the only in-depth collection of public library

> materials for an area of almost one and a half million people. Over one-third of the use of Central Library collections is by nonresidents or, in more specific terms, by people who do not help support the collections. At the present level of funding, the State Library is so overextended in the maintenance of a regional library system in the state that, without new money coming into the city, we see no way of alleviating this situation.

The testimony of Mr. Rochell and other witnesses indicated clearly that Federal support tends to reimburse the central city libraries for their use by suburban residents. Accordingly H.R. 19363 accords a priority to programs designed to strengthen metropolitan public libraries.

In addition, the Committee believes that describing the urban library as a "regional resource center," as the bill does, serves to emphasize its role as a repository of materials for areas that lie outside the city boundaries.

Public library construction—Title II

For grants to the States for public library construction, the bill authorizes appropriation of $80 million for fiscal year 1972; $84 million for fiscal year 1973; $88 million for fiscal year 1974; $92.5 million for fiscal year 1975; and $97 million for fiscal year 1976.

The basic allotment would be raised to $100,000 for each State, Puerto Rico, and the District of Columbia and would remain at $20,000 each for American Samoa, the Trust Territory of the Pacific Islands, Guam and the Virgin Islands. The amounts appropriated would be available in the fiscal year in which they were appropriated and the following fiscal year.

These grants, which must be fully matched by State and local funds, would be available for construction of new public library buildings and for acquisition, expansion, remodeling or alteration of existing buildings. At present, applications for more than 270 construction projects, involving a total of more than $51 million in Federal funds, are awaiting extension of the Act.

Library representatives appearing before the Committee related how the recent cutbacks in Federal support had adversely affected library construction in their respective areas.

For example, Roger McDonough of New Jersey told the Committee:

> The most disappointing factor in Federal support to public libraries has been the recent reduction in funds under Title II construction . . . During the first four years of Title II, an average of approximately 15 libraries per year were constructed in New Jersey. . . . Last year, we got only $200,000 and were able to fund only two libraries.

The Committee regards the authorization levels requested in the new bill for library construction as extremely modest, and realizes that library construction needs far outdistance the specified levels. But the Committee also believes that they reflect a realistic goal for Federal contributions to library construction for the immediate future.

Interlibrary cooperation Title III

For grants to the States for interlibrary cooperation, the bill authorizes $15 million for fiscal year 1972; $15.7 million for fiscal year 1973; $16.5 million for fiscal year 1974; $17.3 million for fiscal year 1975; and $18.2 million for fiscal year 1976. The basic allotment would be $40,000 for each State, Puerto Rico and the District of Columbia and $10,000 each for Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

These allotments may be used to pay the full cost of planning, developing and operating local, regional, and interstate cooperative networks of libraries. Cooperative networks involve the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers. One of the results of coordination is improved service for the users of each of the cooperating libraries and information centers.

The importance of Title III cannot be overstated. Interlibrary cooperation is the key to surmounting many of the problems presently facing libraries—the shortages in library collections, the isolation of rural libraries, the movement of Americans to the suburbs in greater numbers with an attendant increase on the resources of suburban libraries. A pooling of resources by libraries to provide quality services to a wide variety of people covering broad geographical areas is the logical answer to many of these problems.

Because the Committee recognizes the value of Title III, it changed the present law, which requires 50% matching from local sources under programs of interlibrary cooperation, to enable the Federal government to provide the full 100% in funds to support these programs.

The Committee also recognizes the difficulty of raising matching funds from groups of libraries working together, and it heeded the words of Carlton Rochelle of Atlanta, who said, "When we get into the business of anteing up matching proportions of funds through various types of libraries, it becomes almost an impossible situation."

The Committee believes that increasing the Federal share from 50% to 100% will improve the administration and expand the impact of Title III programs.

Amendment to the Adult Education Act

Public Law 91–230 enacted in April of this year amended the Adult Education Act so as to change the formula for the allocation of funds among the states. Under the old formula, each state was provided a basic allotment of $100,000 with the remainder allocated among the states according to the relative number of persons aged 16 years and over with less than a sixth grade education.

The new formula provides each state with a $150,000 basic allotment with the remainder allocated on the basis of the relative numbers of persons 16 years and over with less than a high school education.

Under the terms of Public Law 91–230, the change in the formula became effective with respect to the FY 1971 appropriation. During the early months of FY 1971, while awaiting the final enactment of the FY 1971 appropriation measure, the Office of Education administered programs under authority of a continuing resolution.

With respect to the adult basic education program, this meant using state allotment figures based on the old formula. The states therefore

were a quarter into the fiscal year operating on the basis of a formula no longer in effect.

The change in the allocation as provided by PL 91–230 results in the loss this year of a substantial share of last year's allocation in a number of states. Seventeen states will be subjected to substantial cuts which had not been anticipated. Several will have to cut the scope of their adult basic education program in half.

The new formula will force numerous states to revise drastically program operations well underway. It is the Committee's belief that this sudden loss of substantial moneys in a number of states was not intended by the Congress in PL 91–230. An amendment has therefore been adopted which is designed to postpone the effective date of the formula change.

Under the Committee bill, the new formula would not be operative until FY 1972, thus allowing the states to proceed as they have been until the end of the current fiscal year. With this postponement, states will have an opportunity to plan accordingly and not be forced to take unexpected cuts in program operations.

Section-by-Section Analysis

Section 1.—Title

This section stated that the Act may be cited as the "Library Services and Construction Amendments of 1970".

Section 2.—Purpose; Amendment to the Library Services and Construction Act

This section states the purpose of the amendments and revises the Library Services and Construction Act.

PURPOSE

Section 2(a) states that it is the purpose of the amendatory Act to improve the administration, implementation, and purposes of the programs authorized by the Library Services and Construction Act (hereinafter in this analysis referred to as the "Act") by—

(1) lessening the administrative burden upon the States through a reduction in the number of State plans which must be submitted and approved annually under the Act;

(2) affording the States greater flexibility in the allocation of funds among the various purposes of the Act to meet specific needs of the people of the States for library services; and

(3) providing for—

(A) special programs to meet the needs of disadvantaged persons (in both urban and rural areas) for library services, and

(B) strengthening the capacity of State library administrative agencies for meeting the needs of all the people of the States.

AMENDMENTS TO THE LIBRARY SERVICES AND CONSTRUCTION ACT

Section 2(b) amends the Act by striking out all that follows the first section thereof, and inserting in lieu of the struck out sections a new text. The reorganized Act contains seven sections of general provisions

followed by three titles which authorize three types of library activities. As revised, the Act provides:

Section 2(a) of the Act (*Declaration of Policy*) states that it is the purpose of the Act to assist the States in extending and improving public library services in areas of the States which are without such services, and in which such services are inadequate, in public library construction, in strengthening State library administrative agencies, in promoting interlibrary cooperation, and in improving other State library services, such as library services for the physically handicapped and institutionalized and disadvantaged persons.

Section 2(b) reserves initiative and responsibility in the conduct of library services, including the selection of books, materials, and personnel and the determination of the uses of the funds, to the States and their local subdivisions.

Section 3 (*Definitions*) contains definitions for the Library Services and Construction Act.

(1) The term "Commissioner" means the Commissioner of Education.

(2) The term "construction" includes construction of a new building and the acquisition, expansion, remodeling, and alteration of existing buildings, and the initial equipment of such building, or other related activities (including architects' fees and the cost of land acquisition). The term "equipment" means, for the purposes of this definition, all items necessary to function as a facility providing library services, which may include machinery, utilities, and built-in equipment and enclosures or structures necessary to house them.

(3) The term "library service" means the performance of library activities relating to the collection and organization of library materials, and making such library materials and information available available to a clientele.

(4) The term "library services to the physically handicapped" means providing library services, through public or nonprofit libraries, agencies, or organizations, to physically handicapped persons who have been certified by competent authorities as unable to read or use conventional printed materials as a result of physical limitations.

(5) The term "public library" means a library that serves, free of charge, all residents of a community, district, or region and is supported in whole or in part by public funds.

(6) The term "public library services" means library services furnished by a public library.

(7) The term "State" includes a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(8) The term "State Advisory Council on Libraries" means an advisory council provided for under clause 3 of section 6(a) of the Act, which sets forth the requirements for participation under the Act. As defined in paragraph (8), the State advisory council on libraries shall—

(*a*) be broadly representative of public, school, academic, special, and institutional libraries, and libraries serving the handicapped, and of persons using such libraries, including disadvantaged persons within the State;

(*b*) advise the State library administrative agency on the development and administration of the State plan; and

(*c*) assist the State library administrative agency in the evaluation of activities assisted under this Act.

(9) The term "State institutional library services" means the providing of books and other library materials, and of library services to those persons confined to or residing in penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated or substantially supported by the State, and students in residential schools for the physically handicapped operated or substantially supported by the State.

(10) The term "State library administrative agency" means the official agency of a State charged by the law of that State with the extension and development of public library services, and which has adequate authority under the law of the State to administer State plans in accordance with the provisions of this Act.

(11) "Basic State plan" means the document which gives assurances that the officially designated State library administrative agency has the fiscal and legal authority and capability to administer all aspects of this Act; provides assurances for establishing the State's policies, priorities, criteria and procedures necessary to the implementation of all programs under provisions of this Act; and submits copies for approval as required by regulations promulgated by the Commissioner.

(12) "Long-range program" means the comprehensive 5-year program which identifies a State's library needs and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this Act. Such long-range programs shall be developed by the State library administrative agency and shall specify the State's policies, criteria, priorities and procedures consistent with the Act as required by the regulations promulgated by the Commissioner and shall be updated as library progress requires.

(13) "Annual program" means the projects which are developed and submitted to describe the specific activities to be carried out annually toward achieving fulfillment of the long-range program. These annual programs shall be submitted in such detail as required by regulations promulgated by the Commissioner.

Section 4 (*Authorizations and Appropriations*) authorizes appropriations for the purposes of carrying out the provisions of the Act.

Paragraph (*1*) of such section 4(a) provides authorizations for the appropriations of $112 million for the fiscal year ending June 30, 1972; $117,600,000 for the fiscal year ending June 30, 1973; $123,500,000 for the fiscal year ending June 30, 1974; $129,657,000 for the fiscal year ending June 30, 1975; and $137,150,000 for the fiscal year ending June 30, 1976, for the purpose of making grants to States for library services, as provided in title I of the Act.

Paragraph (*2*) of such section 4(a) provides authorization for the appropriations of $80 million for the fiscal year ending June 30, 1972; $84 million for the fiscal year ending June 30, 1973; $88 million for the fiscal year ending June 30, 1974; $92.5 million for the fiscal year ending June 30, 1975; and $97 million for the fiscal year ending June 30, 1976, for the purpose of making grants to States for public library construction, as provided in title II of the Act.

Paragraph (*3*) of such section 4(a) provides authorization for the appropriations of $15 million for the fiscal year ending June 30, 1972; $15,750,000 for the fiscal year ending June 30, 1973; $16,500,000 for

the fiscal year ending June 30, 1974; $17,300,000 for the fiscal year ending June 30, 1975; and $18,200,000 for the fiscal year ending June 30, 1976, for the purpose of making grants to States to enable them to carry out the interlibrary cooperation programs authorized by title III of the Act.

Section 4(b) provides that any funds appropriated under paragraph (2) of such section 4(a) of the Act shall remain available for expenditure for the year specified in the appropriation Act and for the next succeeding year. Funds appropriated under paragraph (1) or (3) thereof shall remain available for expenditure for the period specified in the appropriation Act.

Section 5 of the Act (*Allotment to States*) allots sums appropriated among the States.

Section 5(a) requires that the Commissioner shall allot a minimum allotment to each State and any sums remaining after such allotments shall be allotted according to the ratio of the population of the State to the population of all the States.

Paragraph (3) of such section 5(a) defines minimum allotment.

(A) The minimum allotment for the purposes of title I shall be $200,000 for each State, excepting Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, to each of which $40,000 shall be allotted.

(B) The minimum allotment for the purposes of title II shall be $100,000 for each State, excepting Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands to each of which $20,000 shall be allotted.

(C) The minimum allotment for the purposes of title III shall be $40,000 for each State, excepting Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands to each of which $10,000 shall be allotted.

If the sums appropriated under paragraph (1), (2), or (3) of section 4(a) for any fiscal year are insufficient to fully satisfy the aggregate of the minimum allotments for that purpose, each of such minimum allotments shall be ratably reduced.

Paragraph (4) of such section 5(a) states that the Commissioner shall determine the State population on the basis of the most recent satisfactory data available.

Paragraph (5) of section 5(a) authorized such sums as may be necessary each year for evaluation (either directly or through grants or contracts) of programs carried on under the Act.

Section 5(b) states that sums allotted to each State under section (a) which the Commissioner deems will not be required for the period and purpose for which such allotment is available for carrying out the State plan pursuant to section 6 of the Act, shall be available for the reallotment at such times as the Commissioner shall fix. Such amounts shall be available for reallotment to other States in proportion to the original allotment prescribed under subsection (a), except that no State will be eligible to receive more than it needs and will be able to use.

Section 6 (*State Plans and Programs*) sets forth requirements for State plans for participation in programs authorized under the Act. Any State desiring to receive its allotment for any purpose of the Act for any fiscal year shall (1) have in effect a basic State plan, as defined under section 3(11), (2) submit an annual program, stating the pur-

poses for which allotments are desired, which shall include a long-range program for the purpose of carrying out programs set forth in the Act, and (3) establish a State Advisory Council on Libraries pursuant to section 3(8) of the Act.

Section 6(b) states that a basic State plan shall:

(1) provide for the administration, or supervision of the administration of the program authorized by the Act by the State library administrative agency;

(2) provide that any funds paid to the State for an approved long-range program shall be expended solely for the purposes for which funds have been authorized and appropriated, and that such fiscal controls and accounting procedures have been adopted as are necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State under the Act, which includes any funds paid by the State to any other agency;

(3) provide satisfactory assurance that the State agency administering the plan will report to the Commissioner, containing such information as the Commissioner may require to carry out his functions under the Act, and determine and evaluate the effectiveness of funds provided under the Act in carrying out the purposes of the Act;

(4) set forth the criteria to be used in determining the adequacy of public library services in geographical areas and for groups of persons in the State, including criteria designed to assure that priority will be given to programs or projects which serve urban and rural areas with high concentrations of low income families.

Such programs shall be made public as they are finally adopted.

Section 6(c) sets forth the conditions for approval of any basic State plan.

Clause (A) of such subsection (c)(1) states that the plan must fulfill the conditions specified in section 3(11) and (b) of this section and the appropriate title of the Act.

Clause (B) of such subsection (c)(1) states that the Commissioner must make specific findings as to the compliance of such plan with the requirements of the Act and be satisfied that adequate procedures are set forth therein to insure that any assurances and provisions of such plan will be carried out.

Paragraph (2) of such subsection (c) states that the State plan shall be made public upon approval.

Paragraph (3) of such subsection (c) states that the Commissioner shall not finally disapprove any plan submitted pursuant to subsection (a), or any modification thereof, without affording the State reasonable notice and opportunity for hearing.

Section 6(d) sets forth the requirements for the State long-range program. Such program shall be developed in consultation with the Commissioner and shall—

(1) set forth a program under which the funds received by the State will be used to carry out a long-range program of library services and construction for a period of not less than 3 years nor more than 5 years;

(2) be annually reviewed and revised in accordance with changing needs for assistance under the Act and the results of the evaluation and surveys of State library administrative agencies;

(3) set forth policies and procedures for the periodic evaluation of the effectiveness of, and for appropriate dissemination of the results of such evaluations and other information which pertain to, programs and projects supported by the Act; and

(4) set forth effective policies and procedures for the coordination of programs and projects supported under the State plan with library programs and projects operated by institutions of higher education or local elementary or secondary schools and with other public or private library services programs.

Section 6(e) provides that whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering a program under the Act, finds that such program has been so changed that it no longer complies with the provisions of the Act, or that the administration of the program fails to comply substantially with any such provisions containe l in the basic plan. then, until he is so satisfied that there is no longer any such failure, after appropriate notice to such State agency, he shall make no further payments to the State under the Act or shall limit payments to programs or projects under the State plan which are not affected by the failure, or shall require that payments by such State agency under the Act shall be limited to local or other public library agencies not affected by the failure.

Section 6(f) states that any State, if dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under the Act or with his final action under subsection (e), may file, within 60 days after notice of such action, with the U.S. court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be transmitted by the clerk of the court to the Commissioner, and the Commissioner shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.

Paragraph (2) of such subsection (f) provides that the findings of the Commissioner shall be conclusive, if supported by substantial evidence; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may take new or modified findings of fact and may modify his previous action, and shall certify to the court the record of further proceedings.

Paragraph (3) of such subsection (f) provides that the court shall have the jurisdiction to affirm or to set aside, in whole or in part, the action of the Commissioner. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

Section 7 (Payments to States) provides the rate of payments to States from the allotments available under section 5 from the appropriations pursuant to paragraph (1), (2), or (3) of section 4(a).

Section 7(a) states that the Commissioner shall pay to each State which has a basis State plan approved under section 6(a)(1), an annual program and a long-range program as defined in sections 3(12) and (13) an amount equal to the Federal share of the total sums expended by the State and its political subdivisions in carrying out such plan. Before payments shall be made from appropriations pursuant to paragraph (1) for the purposes of library services to any State (other than the Trust Territory of the Pacific Islands) for any fiscal year, the Commissioner shall determine that there will be available for

expenditure under the plan from State and local sources, (1) sums sufficient to enable the State to receive not less than its minimum allotment, and (2) not less than the total amount actually expended, for the purposes of such plan, in the second preceding fiscal year.

Section 7(b) provides that the "Federal share," for the purposes of this section, for any State shall be, unless provided otherwise in title III, 100 per centum less the State percentage, and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands). The Federal share shall in no case be more than 66 per centum, or less than 33 per centum. The Federal share for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66 per centum and the Federal share for the Trust Territory of the Pacific Islands shall be 100 per centum.

Paragraph (2) of subsection (b) requires the Commissioner to promulgate the "Federal share" for each State within 60 days after the beginning of the fiscal year ending June 30, 1971, and of every second fiscal year thereafter. Such promulgation shall be based on the basis of the average per capita incomes of each of the States and of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce, and shall be conclusive for each of the 2 fiscal years beginning after the promulgation.

TITLE I—LIBRARY SERVICES

Section 101 requires the Commissioner to carry out a program of making grants from sums appropriated pursuant to section 4(a)(1) to States which have had approved basic State plans under section 6 and annual programs submitted under section 103 for the extension of public library services to areas without such services, and the improvement of such services in areas where such services are inadequate, for making library services more accessible to persons who, by reason of distance, residence, or physical handicap, are unable to receive the benefits of public library services regularly made available to the public, for adapting public library services to meet particular needs of persons within the States, and for improving and strengthening library administrative agencies.

Section 102 sets forth the purposes which funds, appropriated pursuant to paragraph (1) of section 4(a), shall be used.

Section 102(a) states that sums appropriated pursuant to such paragraph (1) shall be available for grants to States from allotments under section 5(a) for the purpose of paying the Federal share of the cost of carrying out State plans and programs submitted and approved under section 6 and section 103. Except for those purposes provided for in subsection (b), grants under title I may be used for—

(1) planning for, and taking other steps leading to the development of, programs and projects designed to extend and improve library services; and

(2) extending public library services to geographical areas and groups of persons without such services and improving such

services in such areas and for such groups as may have inadequate public library services, establishing, expanding, and operating programs and projects to provide (1) State institutional library services, (2) library services to the physically handicapped, and (3) library services for the disadvantaged in urban and rural areas, and strengthening metropolitan public libraries which serve as national and regional resource centers.

Section 102(b) provides for an additional use of grants under title I. Such grants, subject limitations and criteria that the Commissioner shall establish by regulation, may be used to (1) pay the cost of administering the State plans submitted and approved under this Act (including obtaining the services of consultants), statewide planning for and the evaluation of library services, dissemination of information concerning library services, and the activities of such advisory groups and panels as may be necessary to assist the State library administrative agency in carrying out its functions under title I, and (2) strengthen the capacity of State library administrative agencies for meeting the needs of the people of the States.

Section 103 provides that any State desiring to receive a grant from its allotment for the purposes of title I for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services.

Such program, submitted at such time, in such form, and containing such information as the Commissioner shall prescribe by regulation, shall—

(1) set forth a program for the year submitted, under which funds paid to the State from appropriations pursuant to paragraph (1) of section 4(a) for that year will be used, consistent with its long-range program, solely for the purposes set forth in section 102;

(2) set forth the criteria used in allocating such funds among such purposes, which criteria shall insure that the State will expend from Federal, State, and local sources an amount equal to the amount expended by the State from such sources for State institutional library services, and library services to the physically handicapped during the fiscal year ending June 30, 1971;

(3) include such information, policies, and procedures as will assure that the activities to be carried out during that year are consistent with the long-range program; and

(4) include an extension of the long-range program, taking into

TITLE II—PUBLIC LIBRARY CONSTRUCTION

Section 201 authorizes the Commissioner to make grants to States which have had approved basic State plans under section 6, have submitted a long-range program and State annual programs under section 203 for the construction of public libraries.

Section 202 provides that funds appropriated under section 4(a)(2) may be used for grants to States for paying the Federal share of the cost of construction carried on under approved State plans.

Section 203 provides that any State desiring to receive a grant from its allotment for the purposes of title II for any fiscal year shall, in

addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year projects for the construction of public libraries, which are consistent with its long-range program.

Such program shall be submitted at such time, in such form, and containing such information as the Commissioner shall prescribe by regulation, and shall—

(1) set forth a program for the year submitted, under which funds paid to the State from appropriations pursuant to paragraph (2) of section 4(a) for that year will be used, consistent with its long-range program solely for the construction of public libraries in areas of the State which are without the library facilities necessary to provide adequate library services;

(2) follow the criteria, policies, and procedures for the approval of applications for the construction of public library facilities under the program set forth in clause (1);

(3) follow policies and procedures which will insure that every local or other public agency whose application for funds under the program with respect to a project for construction of public library facilities is denied will be given an opportunity for a hearing before the State library administrative agency; and

(4) include an extension of the long-range program, taking into consideration the results of evaluations.

TITLE III—INTERLIBRARY COOPERATION

Section 301 provides that the Commissioner shall make grants to States which have approved basic State plans under section 6, and have submitted long-range programs and annual programs under section 303 for interlibrary cooperation.

Section 302 states that funds appropriated pursuant to paragraph (3) of section 4(a) shall be available for grants to States from allotments under paragraphs (1) and (3) of section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State annual program for interlibrary cooperation submitted under section 303.

Section 302(a) sets forth that such grants shall be used for—

(1) planning for, and taking other steps leading to the development of, cooperative library networks; and

(2) establishing, expanding, and operating local, regional, and interstate cooperative networks of libraries, which provide for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers for improved supplementary services for the special clientele served by each type of library or center.

Section 302(b) provides that the Federal share, for the purposes of title III, shall be 100 per centum of the cost of carrying out the State plan.

Section 303 provides that any State desiring to receive a grant from its allotment for the purposes of title III for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for approval for that fiscal year an annual program for interlibrary cooperation.

Such program, submitted at such time, in such form, and containing such information as the Commissioner shall prescribe by regulation shall—

(1) set forth a program for the year submitted, under which funds paid to the State from appropriations pursuant to paragraph (3) of section 4(a) will be used, consistent with its long-range program, solely for the purposes set forth in section 302, and set forth specific procedures, policies, and objectives which will insure that funds available to the State under title III will be used to meet such purposes; and

(2) include an extension of the long-range plan, taking into consideration the results of evaluations.

Section (c)(1) provides that subsection (b) shall be effective after June 30, 1971.

Paragraph (2) provides that in the case of funds appropriated to carry out this Act for fiscal year 1971, each State, in accordance with regulations, is authorized to use a portion of its allotment for the development of such plans as required by this Act, as amended by subsection (b).

Section 3, which is added as a committee amendment, amends the Adult Education Act. Subsection (a) amends section 305(a) of that Act to provide that, for the fiscal years 1970 and 1971, funds available for purposes of section 304(b) will continue to be allotted in the same manner as such funds were allotted for the fiscal year 1969. Thereafter such funds will be allotted in the manner presently provided in section 305(a). Subsection (b) amends section 312(b) of the Act to provide that the provision of existing law limiting to 5 percent of appropriations, the amount which may be used for State plan administration and development, shall not be applicable for the fiscal years 1970 and 1971, but that the amount which may be so used shall be subject to limitations of the Commissioner.

Changes in Existing Law Made by the Bill, as Reported

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

LIBRARY SERVICES AND CONSTRUCTION ACT

(20 U.S.C. 351 et seq.)

AN ACT To promote the further development of public library services

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Library Services and Construction Act."

[DECLARATION OF POLICY

[SEC. 2. (a) It is the purpose of this Act to promote the further extension by the several States of public library services to areas without such services or with inadequate services, to promote interlibrary co-

operation, and to assist the States in providing certain specialized State library services.

[(b) The provisions of this Act shall not be so construed as to interfere with State and local initiative and responsibility in the conduct of public library services. The administration of public libraries, the selection of personnel and library books and materials, and, insofar as consistent with the purposes of this Act, the determination of the best uses of the funds provided under this Act shall be reserved to the States and their local subdivisions.

[TITLE I—PUBLIC LIBRARY SERVICES

[AUTHORIZATION OF APPROPRIATIONS

[SEC. 101. There are authorized to be appropriated for the fiscal year ending June 30, 1967, $35,000,000; for the fiscal year ending June 30, 1968, $45,000,000; for the fiscal year ending June 30, 1969, $55,000,000; for the fiscal year ending June 30, 1970, $65,000,000; and for the fiscal year ending June 30, 1971, $75,000,000, which shall be used for making payments to States which have submitted and had approved by the Commissioner of Education (hereinafter referred to as the Commissioner) State plans for the further extension of public library services to areas without such services or with inadequate services.

[ALLOTMENTS TO STATES

[SEC. 102. From the sums appropriated pursuant to section 101 for each fiscal year, the Commissioner shall allot $25,000 each to Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands and $100,000 to each of the other States, and shall allot to each State such part of the remainder of such sums as the population of the State bears to the population of the United States, according to the most recent decennial census.

[STATE PLANS

[SEC. 103. (a) To be approved under this section, a State plan for the further extension of public library services must—

[(1) provide for the administration, or supervision of the administration, of the plan by the State library administrative agency, and provide that such agency will have adequate authority under State law to administer the plan in accordance with its provisions and the provisions of this Act;

[(2) provide for the receipt by the State treasurer (or, if there be no State treasurer, the officer exercising similar functions for the State) of all funds paid to the State pursuant to this Act and for the proper safeguarding of such funds by such officer, provide that such funds shall be expended solely for the purposes for which paid, and provide for the repayment by the State to the United States of any such funds lost or diverted from the purposes for which paid;

[(3) provide policies and methods of administration to be followed in using any funds made available for expenditure under the State plan, which policies and methods the State library administrative agency certifies will in its judgment assure use of

such funds to maximum advantage in the further extension of public library services to areas without such services or with inadequate services;

[(4) provide that the State library administrative agency will make such reports as to categories of expenditures made under this Act, as the Commissioner may from time to time reasonably require; and

[(5) provide that any library services furnished under the plan shall be made available free of charge under regulations prescribed by the State library administrative agency.

[(b) The Commissioner shall approve any plan which fulfills the conditions specified in subsection (a) of this section.

[(c) The determination of whether library services are inadequate in any area within any State shall be made by the State library administrative agency of such State.

[PAYMENTS TO STATES

[SEC. 104. (a) From the allotments available therefor under section 102, the Secretary of the Treasury shall from time to time pay to each State which has a plan approved under section 103 an amount computed as provided in subsection (b) of this section, equal to the Federal share of the total sums expended by the State and its political subdivisions under such plan during the period for which such payment was made, except that no payments shall be made to any State (other than the Trust Territory of the Pacific Islands) from its allotment for any fiscal year unless and until the Commissioner finds that (1) there will be available for expenditure under the plan from State or local sources during the fiscal year for which the allotment is made (A) sums sufficient to enable the State to receive under this section payments in an amount not less than $25,000 in the case of the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, or Guam and $100,000 in the case of any other State, and (B) not less than the total amount actually expended, in the areas covered by the plan for such year, for public library services from such sources in the second preceding fiscal year, and (2) there will be available for expenditure for public library services from State sources during the fiscal year for which the allotment is made not less than the total amount actually expended for public library services from such sources in the second preceding fiscal year.

[(b) The Commissioner shall from time to time estimate the amount to which a State is entitled under subsection (a), and such amount shall be paid to the State, in advance or by way of reimbursement, at such time or times and in such installments as the Commissioner may determine, after necessary adjustment on account of any previously made overpayment or underpayment.

[(c) For the purposes of this section the "Federal share" for any State shall be 100 per centum less the State percentage and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of all the States (excluding Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands), except that (1) the Federal share shall in no case be more than 66 per centum, or less than 33 per centum, and (2) the Federal

share for Puerto Rico, Guam, American Samoa and the Virgin Islands shall be 66 per centum, and the Federal share for the Trust Territory of the Pacific Islands shall be 100 per centum.

[(d) The "Federal share" for each State shall be promulgated by the Commissioner between July 1 and August 31 of each even numbered year, on the basis of the average of the per capita incomes of each of the States and of all of the States (excluding Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands), for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years in the period beginning July 1 next succeeding such promulgation: *Provided*, That the Commissioner shall promulgate such percentages as soon as possible after the enactment of this Act.

[(e) No portion of any money paid to a State under this title shall be applied, directly or indirectly, to the purchase or erection of any building or buildings, or for the purchase of any land.

[TITLE II—PUBLIC LIBRARY CONSTRUCTION

[AUTHORIZATION OF APPROPRIATIONS

[SEC. 201. There are authorized to be appropriated for the fiscal year ending June 30, 1967, $40,000,000; for the fiscal year ending June 30, 1968, $50,000,000; for the fiscal year ending June 30, 1969, $60,000,000; for the fiscal year ending June 30, 1970, $70,000,000; and for the fiscal year ending June 30, 1971, $80,000,000, which shall be used for making payments to States, which have submitted and had approved by the Commissioner, State plans for the construction of public libraries.

[ALLOTMENTS

[SEC. 202. From the sums appropriated pursuant to section 201 for each fiscal year, the Commissioner shall allot $20,000 each to Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, and $80,000 to each of the other States, and shall allot to each State such part of the remainder of such sums as the population of the State bears to the population of the United States, according to the most recent decennial census. A State's allotment under this subsection for any fiscal year shall be available for payments with respect to the administration, during such year and the next fiscal year, of its State plan approved under section 203, and for payments with respect to construction projects approved under such State plan during such year or the next fiscal year.

[STATE PLANS FOR CONSTRUCTION

[SEC. 203. (a) To be approved for purposes of this title a State plan for construction of public libraries must—

[(1) meet the requirements of paragraphs (1), (2), (4), and (5) of section 103(a);

[(2) set forth criteria and procedures for approval of projects for construction of public library facilities which are designed to insure that facilities will be constructed only to serve areas, as determined by the State library administrative agency, which are without library facilities necessary to develop library services;

[(3) provide assurance that every local or other public agency whose application for funds under the plan with respect to a project for construction of public library facilities is denied will be given an opportunity for a fair hearing before the State library administrative agency; and

[(4) provide assurance that all laborers and mechanics employed by contractors or subcontractors on all construction projects assisted under this Act shall be paid wages at rates not less than those prevailing on similar construction in the locality, as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a—276a–5), and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours Standards Act (Public Law 87–581); and the Secretary of Labor shal. have with respect to the labor standards specified in this paragraph the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176; 5 U.S.C. 133z–15) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c).

[(b) The Commissioner shall approve any plan which fulfills the conditions specified in subsection (a) of this section.

[PAYMENTS TO STATES

[SEC. 204. (a) From its allotment available therefor under section 202 each State shall be entitled to receive (1) an amount equal to the Federal share (as determined under section 104) of projects approved under its State plan (as approved by the Commissioner pursuant to section 203) during the period for which such allotment is available, and (2) an amount equal to the Federal share of the total of the sums expended by the State and its political subdivisions for the administration of such State plan during the period for which such allotment is available.

[(b) The Commissioner shall from time to time estimate the amount to which a State is entitled under subsection (a), and such amount shall be paid to the State, in advance or by way of reimbursement, at such time or times and in such installments as the Commissioner may determine, after necessary adjustment on account of any previously made overpayment or underpayment.

[TITLE III—INTERLIBRARY COOPERATION

[AUTHORIZATION OF APPROPRIATIONS

[SEC. 301. There are authorized to be appropriated for the fiscal year ending June 30, 1967, the sum of $5,000,000; for the fiscal year ending June 30, 1968, $7,500,000; for the fiscal year ending June 30, 1969, $10,000,000; for the fiscal year ending June 30, 1970, $12,500,000; and for the fiscal year ending June 30, 1971, $15,000,000; which shall be used for making payments to States which have submitted and had approved by the Commissioner State plans for establishing and maintaining local, regional, State, or interstate cooperative networks of libraries.

[ALLOTMENTS

[SEC. 302. From the sums appropriated pursuant to section 301 for each fiscal year the Commissioner shall allot $10,000 each to Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, and $40,000 to each of the other States, and shall allot to each State such part of the remainder of such sums as the population of the State bears to the population of the United States according to the most recent decennial census.

[PAYMENTS TO STATES

[SEC. 303. From the allotments available therefor under section 302, the Secretary of the Treasury shall from time to time pay to each State which has a plan approved under section 304 an amount equal to the Federal share which for the fiscal year ending June 30, 1968, shall be 100 per centum of the total sums expended under such plan (including costs of administering such plan), and for any fiscal year thereafter shall be 50 per centum of such sums, except that the Federal share for the Trust Territory of the Pacific Islands shall be 100 per centum.

[STATE PLANS FOR INTERLIBRARY COOPERATION

[SEC. 304. (a) To be approved for purposes of this title a State plan must—

[(1) meet the requirements of paragraphs (1), (2), (4), and (5) of section 103(a);

[(2) provide policies and objectives for the systematic and effective coordination of the resources of school, public, academic, and special libraries and special information centers for improved services of a supplementary nature to the special clientele served by each type of library or center;

[(3) provide appropriate allocation by participating agencies of the total costs of the system;

[(4) provide insurance that every local or other public agency in the State is accorded an opportunity to participate in the system;

[(5) provide criteria which the State agency shall use in evaluating applications for funds under this title and in assigning priority to project proposals; and

[(6) establish a statewide council which is broadly representative of professional library interests and of library users which shall act in an advisory capacity to the State agency.

[(b) The Commissioner shall approve any State plan which meets the conditions specified in subsection (a) of this section.

[TITLE IV—SPECIALIZED STATE LIBRARY SERVICES

[PART A—STATE INSTITUTIONAL LIBRARY SERVICES

[AUTHORIZATION OF APPROPRIATIONS

[SEC. 401. There are authorized to be appropriated for the fiscal year ending June 30, 1967, the sum of $5,000,000; for the fiscal year ending June 30, 1968, $7,500,000; for the fiscal year ending June 30, 1969, $10,000,000; for the fiscal year ending June 30, 1970, $12,500,000; and

for the fiscal year ending June 30, 1971, $15,000,000; which shall be used for making payments to States which have submitted and had approved by the Commissioner State plans for establishing and improving State institutional library services. For the purposes of this part of the term "State institutional library services" means the providing of books, and other library material, and of library services to (A) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated or substantially supported by the State, and (B) students in residential schools for the handicapped (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired persons who by reason thereof require special education) operated or substantially supported by the State.

[ALLOTMENTS

[SEC. 402. From the sums appropriated pursuant to section 401 for each fiscal year the Commissioner shall allot $10,000 each to Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, and $40,000 to each of the other States, and shall allot to each State such part of the remainder of such sums as the population of the State bears to the population of the United States according to the most recent decennial census.

[PAYMENTS TO STATES

[SEC. 403. From the allotments available therefor under section 402, the Secretary of the Treasury shall from time to time pay to each State which has a plan approved under section 404 an amount equal to the Federal share (as determined under section 104, except that the Federal share for the fiscal year ending June 30, 1968, shall be 100 per centum) of the total sums expended by the State under such plan (including costs of administering such plan).

[STATE PLANS FOR STATE INSTITUTIONAL LIBRARY SERVICES

[SEC. 404. (a) To be approved for purposes of this part a State plan must—

[(1) meet the requirements of paragraphs (1), (2), (4), and (5) of section 103(a);

[(2) provide policies and objectives for the establishment or improvement of State institutional library services;

[(3) provide assurance that all eligible State institutions will be accorded an opportunity to participate in the program pursuant to this part;

[(4) provide criteria which the State agency shall use in evaluating applications for funds under this part and in assigning priority to project proposals;

[(5) provide assurances satisfactory to the Commissioner that expenditures made by such State in any fiscal year for State institutional library services will not be less than such expenditures in the second preceding fiscal year; and

[(6) establish a council which is broadly representative of State institutions eligible for assistance under this part which shall act in an advisory capacity to the State agency.

[(b) The Commissioner shall approve any State plan which meets the conditions specified in subsection (a) of this section.

[(c) No portion of any money paid to a State under this part shall be applied, directly or indirectly, to the purchase or erection of any building or buildings, or the purchase of any land.

[PART B—LIBRARY SERVICES TO THE PHYSICALLY HANDICAPPED

[AUTHORIZATION OF APPROPRIATIONS

[SEC. 411. There are authorized to be appropriated for the fiscal year ending June 30, 1967, the sum of $3,000,000; for the fiscal year ending June 30, 1968, $4,000,000; for the fiscal year ending June 30, 1969, $5,000,000; for the fiscal year ending June 30, 1970, $6,000,000; and for the fiscal year ending June 30, 1971, $7,000,000; which shall be used for making payments to States which have submitted and had approved by the Commissioner State plans for establishing and improving library services to the physically handicapped. For the purposes of this part the term "library services to the physically handicapped" means the providing of library service, through public or other nonprofit libraries, agencies, or organizations, to physically handicapped persons (including the blind and visually handicapped) certified by competent authority as unable to read or to use conventional printed materials as a result of physical limitations.

[ALLOTMENTS

[SEC. 412. From the sums appropriated pursuant to section 411 for each fiscal year, the Commissioner shall allot $5,000 each to Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, and $25,000 to each of the other States, and shall allot to each State such part of the remainder of such sums as the population of the State bears to the population of the United States according to the most recent decennial census.

[PAYMENTS TO STATES

[SEC. 413. From the allotments available therefor under section 412, the Secretary of the Treasury shall from time to time pay to each State which has a plan approved under section 414 an amount equal to the Federal share (as determined under section 104, except that the Federal share for the fiscal year ending June 30, 1968, shall be 100 per centum) of the total sums expended under such plan (including costs of administering such plan).

[STATE PLANS FOR SERVICE TO THE PHYSICALLY HANDICAPPED

[SEC. 414. (a) To be approved for the purposes of this part a State plan must—

[(1) meet the requirements of paragraphs (1), (2), (4), and (5) of section 103(a);

[(2) provide policies and objectives for the establishment or improvement of library services to the physically handicapped;

[(3) provide assurance that all appropriate public or nonprofit libraries, agencies, or organizations for the physically handicapped will be accorded an opportunity to participate in the program pursuant to this part;

[(4) provide criteria which the State agency shall use in evaluating applications for funds under this part and in assigning priority to project proposals;

[(5) provide assurances satisfactory to the Commissioner that funds available from sources other than Federal sources in any fiscal year for expenditures under State plans for library services to the physically handicapped will not be less than actual expenditures from such source in the second preceding fiscal year; and

[(6) establish a council which is representative of eligible agencies which shall act in an advisory capacity to the State agency.

[(b) The Commissioner shall approve, after consultation with the Librarian of Congress where appropriate, any State plan which meets the conditions specified in subsection (a) of this section.

[(c) No part of any money paid to a State under this part shall be applied, directly or indirectly, to the purchase or erection of any building or buildings, or the purchase of any land.

[TITLE V—GENERAL

[WITHHOLDING

[SEC. 501. If the Commissioner finds after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of a State plan approved under this Act, that the State plan has been so changed that it no longer complies with the applicable requirements of this Act or that in the administration of the plan there is a failure to comply substantially with the provisions required to be included in the plan, he shall notify such State agency that further payments will not be made to the State under this Act (or, in his discretion, that further payments will not be made with respect to portions of or projects under the State plan affected by such failure) until he is satisfied that there is no longer any such failure to comply. Until he is so satisfied, no further payments shall be made to such State for carrying out such State plan (or further payments shall be limited to parts of or projects under the plan not affected by such failure).

[ADMINISTRATION

[SEC. 502. (a) The Commissioner shall administer this Act under the supervision and direction of the Secretary of Health, Education, and Welfare, and shall, with the approval of the Secretary, prescribe such regulations as may be necessary for the administration of this Act.

[(b) The Commissioner is also authorized to make such studies, investigations, and reports as may be necessary or appropriate to carry out the purposes of this Act, including periodic reports for public distribution as to the values, methods, and results of various State demonstrations of public library services undertaken under this Act.

[(c) There are hereby authorized to be appropriated for expenses of administration such sums as may be necessary to carry out the functions of the Secretary and the Commissioner under this Act.

[(d)(1) The Commissioner shall not finally disapprove any State plan submitted under this Act, or any modification thereof, without first affording the State submitting the plan reasonable notice and opportunity for a hearing.

[(2) If any State is dissatisfied with the Commissioner's final action with respect to the approval of its State plan submitted under title I, title II, title III, or part A or B of title IV, or with respect to his final action under section 501, such State may appeal to the United States Court of Appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code.

[(3) Upon the filing of the petition referred to in paragraph (1) of this subsection, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record the Commissioner may modify or set aside his order. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

[(4) The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

[REALLOTMENTS

[SEC. 503. The amount of any State's allotment under section 102, 202, 302, 402, or 412 for any fiscal year which the Commissioner determines will not be required for the period for which such allotment is available for carrying out the State plan approved under section 103, 203, 304, 404, and 414, respectively, shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments for such year to such States under such section 102, 202, 302, 402, or 412, as the case may be, but with such proportionate amount for any of such other States being reduced to the extent it exceeds the amount which the Commissioner estimates the State needs and will be able to use for such period of time for which the original allotments were available for carrying out the State plan approved under section 103, 203, 304, 404, or 414, as the case may be, and the total of such reductions shall be similarly realloted among the States not suffering such a reduction.

Any amount reallotted to a State under this subsection from funds appropriated pursuant to section 101, 201, 301, 401, or 411, for any fiscal year shall be deemed part of its allotment for such year under sections 102, 202, 302, 402, and 412, respectively.

[DEFINITIONS

[SEC. 504. For the purposes of this Act—

[(a) The term "State" means a State, the District of Columbia, Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, or the Virgin Islands;

[(b) The term "State library administrative agency" means the official State agency charged by State law with the extension and development of public library services throughout the State;

[(c) The term "public library" means a library that serves free all residents of a community, district, or region, and receives its financial support in whole or in part from public funds;

[(d) The term "construction" includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings; including architects' fees and the cost of the acquisition of land;

[(e) The term "Secretary" means the Secretary of Health, Education, and Welfare.]

DECLARATION OF POLICY

SEC. 2. (a) It is the purpose of this Act to assist the States in the extension and improvement of public library services in areas of the States which are without such services or in which such services are inadequate, and with public library construction, and in the improvement of such other State library services as library services for physically handicapped, institutionalized and disadvantaged persons, in strengthening State library administrative agencies, and in promoting interlibrary cooperation among all types of libraries.

(b) Nothing in this Act shall be construed to interfere with State and local initiative and responsibility in the conduct of library services. The administration of libraries, the selection of personnel and library books and materials, and, insofar as consistent with the purposes of this Act, the determination of the best uses of the funds provided under this Act shall be reserved to the States and their local subdivisions.

DEFINITIONS

SEC. 3. The following definitions shall apply to this Act:

(1) "Commissioner" means the Commissioner of Education.

(2) "Construction" includes construction of new buildings and acquisition, expansion, remodeling, and alteration of existing buildings, and initial equipment of any such buildings, or any combination of such activities (including architects' fees and the cost of acquisition of land). For the purposes of this paragraph, the term "equipment" includes machinery, utlities, and built-in equipment and any necessary enclosures or structures to house them; and such term includes all other items necessary for the functioning of a particular facility as a facility for the provision of library services.

(3) "Library service" means the performance of all activities of a library relating to the collection and organization of library materials and

to making the materials and information of a library available to a clientele.

(4) "Library services for the physically handicapped" means the providing of library services, through public or other nonprofit libraries, agencies, or organizations, to physically handicapped persons (including the blind and other visually handicapped) certified by competent authority as unable to read or to use conventional printed materials as a result of physical limitations.

(5) "Public library" means a library that serves free of charge all residents of a community, district, or region, and receives its financial support in whole or in part from public funds.

(6) "Public library services" means library services furnished by a public library free of charge.

(7) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

(8) "State Advisory Council on Libraries" means an advisory council for the purposes of clause (3) of section 6(a) of this Act which shall—

(A) be broadly representative of the public, school, academic, special, and institutional libraries, and libraries serving the handicapped, in the State and of persons using such libraries, including disadvantaged persons within the State;

(B) advise the State library administrative agency on the development of, and policy matters arising in the administration of, the State plan; and

(C) assist the State library administrative agency in the evaluation of activities assisted under this Act;

(9) "State institutional library services" means the providing of books and other library materials, and of library services, to (A) inmates, patients, or residents of penal institutions, reformatories, residential training schools, orphanages, or general or special institutions or hospitals operated or substantially supported by the State, or (B) students in residential schools for the physically handicapped (including mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired persons who by reason thereof require special education) operated or substantially supported by the State.

(10) "State library administrative agency" means the official agency of a State charged by law of that State with the extension and development of public library services throughout the State, which has adequate authority under law of the State to administer State plans in accordance with the provisions of this Act.

(11) "Basic State plan" means the document which gives assurances that the officially designated State library administrative agency has the fiscal and legal authority cnd capability to administer all aspects of this Act; provides assurances for establishing the State's policies, priorities, criteria, and procedures necessary to the implementation of all programs under provisions of this Act; and submits copies for approval as required by regulations promulgated by the Commissioner.

(12) "Long-range program" means the comprehensive five-year program which identifies a State's library needs and sets forth the activities to be taken toward meeting the identified needs supported with the assistance of Federal funds made available under this Act. Such long-range programs shall be developed by the State library administrative agency and shall specify the State's policies, criteria, priorities, and procedures consistent

with the Act as required by the regulations promulgated by the Commissioner and shall be updated as library progress requires.

(13) "Annual program" means the projects which are developed and submitted to describe the specific activities to be carried out annually toward achieving fulfillment of the long-range program. These annual programs shall be submitted in such detail as required by regulations promulgated by the Commissioner.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 4. (a) For the purpose of carrying out the provisions of this Act the following sums are authorized to be appropriated:

(1) For the purpose of making grants to States for library services as provided in title I, there are authorized to be appropriated $112,000,000 for the fiscal year ending June 30, 1972, $117,600,000 for the fiscal year ending June 30, 1973, $123,500,000 for the fiscal year ending June 30, 1974, $129,675,000 for the fiscal year ending June 30, 1975, and $137,150,000 for the fiscal year ending June 30, 1976.

(2) For the purpose of making grants to States for public library construction, as provided in title II, there are authorized to be appropriated $80,000,000 for the fiscal year ending June 30, 1972, $84,000,000 for the fiscal year ending June 30, 1973, $88,000,000 for the fiscal year ending June 30, 1974, $92,500,000 for the fiscal year ending June 30, 1975, and $97,000,000 for the fiscal year ending June 30, 1976.

(3) For the purpose of making grants to States to enable them to carry out interlibrary cooperation programs authorized by title III, there are hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1972, $15,750,000 for the fiscal year ending June 30, 1973, $16,500,000 for the fiscal year ending June 30, 1974, $17,300,000 for the fiscal year ending June 30, 1975, and $18,200,000 for the fiscal year ending June 30, 1976.

(b) Notwithstanding any other provision of law, unless enacted in express limitation of the provisions of this subsection, any sums appropriated pursuant to subsection (a) shall (1), in the case of sums appropriated pursuant to paragraphs (1) and (3) thereof, be available for obligation and expenditure for the period of time specified in the Act making such appropriation, and (2), in the case of sums appropriated pursuant to paragraph (2) thereof, subject to regulations of the Commissioner promulgated in carrying out the provisions of section 5(b), be available for obligation and expenditure for the year specified in the Appropriation Act and for the next succeeding year.

ALLOTMENTS TO STATES

SEC. 5. (a)(1) From the sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year, the Commissioner shall allot the minimum allotment, as determined under paragraph (3) of this subsection, to each State. Any sums remaining after minimum allotments have been made shall be allotted in the manner set forth in paragraph (2) of this subsection.

(2) From the remainder of any sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year, the Commissioner shall allot to each State such part of such remainder as the population of the State bears to the population of all the States.

(3) For the purposes of this subsection, the "minimum allotment" shall be—

(A) with respect to appropriations for the purposes of title I, $200,000 for each State, except that it shall be $40,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

(B) with respect to appropriations for the purposes of title II, $100,000 for each State, except that it shall be $20,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands; and

(C) with respect to appropriations for the purposes of title III, $40,000 for each State, except that it shall be $10,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

If the sums appropriated pursuant to paragraph (1), (2), or (3) of section 4(a) for any fiscal year are insufficient to fully satisfy the aggregate of the minimum allotments for that purpose, each of such minimum allotments shall be reduced ratably.

(4) The population of each State and of all the States shall be determined by the Commissioner on the basis of the most recent satisfactory data available to him.

(5) There is hereby authorized for the purpose of evaluation (directly or by grants or contracts) of programs authorized by this Act, such sums as Congress may deem necessary for any fiscal year.

(b) The amount of any State's allotment under subsection (a) for any fiscal year from any appropriation made pursuant to paragraph (1), (2), or (3) of section 4(a) which the Commissioner deems will not be required for the period and the purpose for which such allotment is available for carrying out the State's annual program shall be available for reallotment from time to time on such dates during such year as the Commissioner shall fix. Such amount shall be available for reallotment to other States in proportion to the original allotments for such year to such States under subsection (a) but with such proportionate amount for any of such other State being reduced to the extent that it exceeds the amount which the Commissioner estimates the State needs and will be able to use for such period of time for which the original allotments were made and the total of such reductions shall be similarly reallotted among the States not suffering such a reduction. Any amount reallotted to a State under this subsection for any fiscal year shall be deemed to be a part of its allotment for such year pursuant to subsection (a).

STATE PLANS AND PROGRAMS

SEC. 6. (a) Any State desiring to receive its allotment for any purpose under this Act for any fiscal year shall (1) have in effect for such fiscal year a basic State plan as defined in section 3(11) and meeting the requirements set forth in subsection (b), (2) submit an annual program as defined in section 3(13) for the purposes for which allotments are desired, meeting the appropriate requirements set forth in titles I, II, and III, and shall submit (no later than July 1, 1972) a long-range program as defined in section 3(12) for carrying out the purposes of this Act as specified in subsection (d), and (3) establish a State Advisory Council on Libraries which meets the requirements of section 3(8).

(b) A basic State plan under this Act shall—

(1) provide for the administration, or supervision of the administration, of the programs authorized by this Act by the State library administrative agency;

(2) provide that any funds paid to the State in accordance with a long-range program and an annual program shall be expended solely for the purposes for which funds have been authorized and appropriated and that such fiscal control and fund accounting procedures have been adopted as may be necessary to assure proper disbursement of, and account for, Federal funds paid to the State (including any such funds paid by the State to any other agency) under this Act;

(3) provide satisfactory assurance that the State agency administering the plan (A) will make such reports, in such form and containing such information, as the Commissioner may reasonably require to carry out his functions under this Act and to determine the extent to which funds provided under this Act have been effective in carry out its purposes, including reports of evaluations made under the State plans, and (B) will keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports; and

(4) set forth the criteria to be used in determining the adequacy of public library services in geographical areas and for groups of persons in the State, including criteria designed to assure that priority will be given to programs or projects which serve urban and rural areas with high concentrations of low-income families.

(c)(1) The Commissioner shall not approve any basic State plan pursuant to this Act for any fiscal year unless—

(A) the plan fulfills the conditions specified in section 3(11) and subsection (b) of this section and the appropriate titles of this Act;

(B) he has made specific findings as to the compliance of such plan with requirements of this Act and he is satisfied that adequate procedures are subscribed to therein insure that any assurances and provisions of such plan will be carried out.

(2) The State plan shall be made public as finally approved.

(3) The Commissioner shall not finally disapprove any basic State plan submitted pursuant to subsection (a) (1), or any modification thereof, without first affording the State reasonable notice and opportunity for hearing.

(d) The long-range program of any State for carrying out the purposes of this Act shall be developed in consultation with the Commissioner and shall—

(1) set forth a program under which the funds received by the State under the programs authorized by this Act will be used to carry out a long-range program of library services and construction covering a period of not less than three nor more than five years;

(2) be annually reviewed and revised in accordance with changing needs for assistance under this Act and the results of the evaluation and surveys of the State library administrative agency;

(3) set forth policies and procedures (A) for the periodic evaluation of the effectiveness of programs and projects supported under this Act, and (B) for appropriate dissemination of the results of such evaluations and other information pertaining to such programs or projects; and

(4) *set forth effective policies and procedures for the coordination of programs and projects supported under this Act with library programs and projects operated by institutions of higher education or local elementary or secondary schools and with other public or private library services programs.*

Such program shall be developed with advice of the State advisory council and in consultation with the Commissioner and shall be made public as it is finally adopted.

(e) *Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State agency administering a program submitted under this Act, finds—*

(1) *that the program has been so changed that it no longer complies with the provisions of this Act, or*

(2) *that in the administration of the program there is a failure to comply substantially with any such provisions or with any assurance or other provision contained in the basic State plan,*

then, until he is satisfied that there is no longer any such failure to comply, after appropriate notice to such State agency, he shall make no further payments to the State under this Act or shall limit payments to programs or projects under, or parts of, the programs not affected by the failure, or shall require that payments by such State agency under this Act shall be limited to local or other public library agencies not affected by the failure.

(f)(1) *If any State is dissatisfied with the Commissioner's final action with respect to the approval of a plan submitted under this Act or with his final action under subsection (e) such State may, within sixty days after notice of such action, file with the United States court of appeals for the circuit in which such State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action as provided in section 2112 of title 28, United States Code.*

(2) *The findings of fact by the Commissioner, if supported by substantial evidence, shall be conclusive; but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon take new or modified findings of fact and may modify his previous action, and shall certify to the court the the record of further proceedings.*

(3) *The court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.*

PAYMENTS TO STATES

SEC. 7. (a) *From the allotments available therefor under section 5 from appropriations pursuant to paragraph (1), (2), or (3) of section 4(a), the Commissioner shall pay to each State which has a basic State plan approved under section 6(a)(1), an annual program and a long-range program as defined in sections 3 (12) and (13) an amount equal to the Federal share of the total sums expended by the State and its political subdivisions in carrying out such plan, except that no payments shall be made from appropriations pursuant to such paragraph (1) for the purposes of title I*

to any State (other than the Trust Territory of the Pacific Islands) for any fiscal year unless the Commissioner determines that—

(1) there will be available for expenditure under the programs from State and local sources during the fiscal year for which the allotment is made—

(A) sums sufficient to enable the State to receive for the purpose of carrying out the programs payments in an amount not less than the minimum allotment for that State for the purpose, and

(B) not less than the total amount actually expended, in the areas covered by the programs for such year, for the purposes of such programs from such sources in the second preceding fiscal year; and

(2) there will be available for expenditure for the purposes of the programs from State sources during the fiscal year for which the allotment is made not less than the total amount actually expended for such purposes from such sources in the second preceding fiscal year.

(b)(1) For the purpose of this section, the "Federal share" for any State shall be, except as is provided otherwise in title III, 100 per centum less the State percentage, and the State percentage shall be that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that (A) the Federal share shall in no case be more than 66 per centum, or less than 33 per centum, and (B) the Federal share for Puerto Rico, Guam, American Samoa, and the Virgin Islands shall be 66 per centum, and (C) the Federal share for the Trust Territory of the Pacific Islands shall be 100 per centum.

(2) The "Federal share" for each State shall be promulgated by the Commissioner within sixty days after the beginning of the fiscal year ending June 30, 1971, and of every second fiscal year thereafter, on the basis of the average per capita incomes of each of the States and of all the States (excluding Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), for the three most recent consecutive years for which satisfactory data are available to him from the Department of Commerce. Such promulgation shall be conclusive for each of the two fiscal years beginning after the promulgation.

TITLE I—LIBRARY SERVICES

GRANTS FOR STATES FOR LIBRARY SERVICES

SEC. 101. The Commissioner shall carry out a program of making grants from sums appropriated pursuant to section 4(a)(1) to States which have had approved basic State plans under section 6 and have submitted annual programs under section 103 for the extension of public library services to areas without such services and the improvement of such services in areas in which such services are inadequate, for making library services more accessible to persons who, by reason of distance, residence, or physical handicap, or other disadvantage, are unable to receive the benefits of public library services regularly made available to the public, for adapting public library services to meet particular needs of persons within the States, and for improving and strengthening library administrative agencies.

USES OF FEDERAL FUNDS

SEC. 102. (a) Funds appropriated pursuant to paragraph (1) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of paying the Federal share of the cost of carrying out State plans submitted and approved under section 6 and section 103. Except as is provided in subsection (b), grants to States under this title may be used solely—

(1) for planning for, and taking other steps leading to the development of, programs and projects designed to extend and improve library services, as provided in clause (2); and

(2) for (A) extending public library services to geographical areas and groups of persons without such services and improving such services in such areas and for such groups as may have inadequate public library services; and (B) establishing, expanding, and operating programs and projects to provide (i) State institutional library services, (ii) library services to the physically handicapped, and (iii) library services for the disadvantaged in urban and rural areas; and (C) strengthening metropolitan public libraries which serve as national or regional resource centers.

(b) Subject to such limitations and criteria as the Commissioner shall establish by regulation, grants to States under this title may be used (1) to pay the cost of administering the State plans submitted and approved under this Act (including obtaining the services of consultants), statewide planning for and evaluation of library services, dissemination of information concerning library services, and the activities of such advisory groups and panels as may be necessary to assist the State library administrative agency in carrying out its functions under this title, and (2) for strengthening the capacity of State library administrative agencies for meeting the needs of the people of the States.

STATE ANNUAL PROGRAM FOR LIBRARY SERVICES

SEC. 103. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit for that fiscal year an annual program for library services. Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation, and shall—

(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (1) of section 4(a) for that year will be used, consistent with its long-range program, solely for the purposes set forth in section 102;

(2) set forth the criteria used in allocating such funds among such purposes, which criteria shall insure that the State will expend from Federal, State, and local sources an amount not less than the amount expended by the State from such sources for State institutional library services, and library services to the physically handicapped during the fiscal year ending June 30, 1971;

(3) include such information, policies, and procedures as will assure that the activities to be carried out during that year are consistent with the long-range program; and

(4) include an extension of the long-range program, taking into consideration the results of evaluations.

TITLE II—PUBLIC LIBRARY CONSTRUCTION

GRANTS TO STATES FOR PUBLIC LIBRARY CONSTRUCTION

SEC. 201. The Commissioner shall carry out a program of making grants to States which have had approved a basic State plan under section 6 and have submitted a long-range program and submit annually appropriately updated programs under section 203 for the construction of public libraries.

USES OF FEDERAL FUNDS

SEC. 202. Funds appropriated pursuant to paragraph (2) of section 4(a) shall be available for grants to States from allotments under section 5(a) for the purpose of paying the Federal share of the cost of construction projects carried under State plans. Such grants shall be used solely for the construction of public libraries under approved State plans.

STATE ANNUAL PROGRAM FOR THE CONSTRUCTION OF PUBLIC LIBRARIES

SEC. 203. Any State desiring to receive a grant from its allotment for the purpose of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6, submit such projects as the State may approve and are consistent with its long-range program.

Such projects shall be submitted at such time and contain such information as the Commissioner may require by regulation and shall—

(1) for the year submitted under which funds are paid to the State from appropriations pursuant to paragraph (2) of section 4(a) for that year, be used, consistent with the State's long-range program, for the construction of public libraries in areas of the State which are without the library facilities necessary to provide adequate library services;

(2) follow the criteria, policies, and procedures for the approval of applications for the construction of public library facilities under the long-range program;

(3) follow policies and procedures which will insure that every local or other public agency whose application for funds under the plan with respect to a project for construction of public library facilities is denied will be given an opportunity for a hearing before the State library administrative agency;

(4) include an extension of the long-range program taking into consideration the results of evaluations.

TITLE III—INTERLIBRARY COOPERATION

GRANTS TO STATES FOR INTERLIBRARY COOPERATION PROGRAMS

SEC. 301. The Commissioner shall carry out a program of making grants to States which have an approved basic State plan under section 6 and have submitted a long-range program and an annual program under section 303 for interlibrary cooperation programs.

USES OF FEDERAL FUNDS

SEC. 302. (a) Funds appropriated pursuant to paragraph (3) of section 4(a) shall be available for grants to States from allotments under paragraphs (1) and (3) of section 5(a) for the purpose of carrying out the Federal share of the cost of carrying out State plans submitted and

approved under section 303. Such grants shall be used (1) for planning for, and taking other steps leading to the development of, cooperative library networks; and (2) for establishing, expanding, and operating local, regional, and interstate cooperative networks of libraries, which provide for the systematic and effective coordination of the resources of school, public, academic, and special libraries and information centers for improved supplementary services for the special clientele served by each type of library or center.

(b) For the purposes of this title, the Federal share shall be 100 per centum of the cost of carrying out the State plan.

STATE ANNUAL PROGRAM FOR INTERLIBRARY COOPERATION

SEC. 303. Any State desiring to receive a grant from its allotment for the purposes of this title for any fiscal year shall, in addition to having submitted, and having had approved, a basic State plan under section 6. submit for that fiscal year an annual program for interlibrary cooperation, Such program shall be submitted at such time, in such form, and contain such information as the Commissioner may require by regulation and shall—

(1) set forth a program for the year submitted under which funds paid to the State from appropriations pursuant to paragraph (3) of section 4(a) will be used, consistent with its long-range program for the purposes set forth in section 302,

(2) include an extension of the long-range program taking into consideration the results of evaluations.

ADULT EDUCATION ACT

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TITLE III—ADULT EDUCATION

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ALLOTMENT FOR ADULT EDUCATION

SEC. 305. (a) From the sums available for purposes of section 304(b) for [any fiscal year] *the fiscal year ending June 30, 1972, and for any succeeding fiscal year,* the Commissioner shall allot (1) not more than 2 per centum thereof among Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands according to their respective needs for assistance under such section, and (2) $150,000 to each State. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of adults who do not have a certificate of graduation from a school providing secondary education (or its equivalent) and who are not currently required to be enrolled in schools in such State bears to the number of such adults in all States. *From the sums available for purposes of section 304(b) for the fiscal year ending June 30, 1970, and the succeeding fiscal year, the Commissioner shall make allotments in accordance with section 305(a) of the Adult Education Act of 1966 as in effect on June 30, 1969.*

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APPROPRIATIONS AUTHORIZED

SEC. 312. (a) There are authorized to be appropriated $160,000,000 for the fiscal year ending June 30, 1970, $200,000,000 for the fiscal year ending June 30, 1971, and $225,000,000 for each of the fiscal years ending June 30, 1972, and June 30, 1973, for the purposes of this title.

(b) There are further authorized to be appropriated for each such fiscal year such sums, not to exceed 5 per centum of the amount appropriated pursuant to subsection (a) for such year, as may be necessary to pay the cost of the administration and development of State plans, and other activities required pursuant to this title. *For the fiscal year ending June 30, 1970, and the succeeding fiscal year, nothing in this subsection shall be construed to prohibit the use of any amounts appropriated pursuant to this Act to pay such costs, subject to such limitations as the Commissioner may prescribe.*

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